Cop This!

Know your rights when dealing with the police in the NT

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Introduction

When dealing with the police it is important to know your rights. This book is a general guide intended to help you if you have to deal with the police.

Many times, difficulties can be avoided if you use your head and don't get angry or upset. As you will see later in the booklet, there is nothing to gain by using offensive language or behaviour. The most important thing is to remember to stay calm, be aware of your rights and seek advice as soon as possible.

Because the law changes all the time it is wise to seek legal advice to make sure of your rights or responsibilities.

The legal information in this booklet is accurate as of May 2010.

The characters in this book are fictitious, any similarities to persons alive or deceased are purely coincidental.

Disclaimer: This content is provided as an information source only and is not legal advice. It is correct at the time of publication but laws change. If you have a legal problem, you should seek legal advice from a lawyer.

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What happens if the police ask my name?

Police can ask your name and address only if they believe that you:

- Have broken the law; or
- Are about to break the law; or
- Can help them in their investigations of a crime or traffic offence.

Police can also ask your name and address if you are:

- On licensed premises (night-clubs, pubs etc); or
- Driving a car, motorbike, boat or bicycle.

If the police want to know your name and address they have to tell you why they want it, or in other words, what offence they want to talk to you about.

What if I don't give them my name and address or give them a false name and address?

If you refuse to tell them your name and address or give them a false name and address you can be arrested and charged.

Can I ask the police officers their name?

You have the right to ask the police officers their name, rank and station they work from. This information is very important if you have to contact the police officer again or if the police treat you badly and you want to make a complaint about what the police said or did to you.

Do I have to tell the police anything else?

You don't have to tell the police anything other than your name and address. You should cooperate with police by being polite. In most cases you should not tell the police anything else unless you have spoken to a lawyer. You can tell the police that you may speak to them later after you have spoken to a lawyer. The exception is where you know nothing about what they are talking about. If that is the case you should tell them you weren't involved and give them any information which supports you. You do have to tell the police any information within your power that may identify the driver of a vehicle if the police officer thinks the driver has committed a traffic offence.

What if I am arrested?

If you are arrested, the police must tell you why you are being arrested. If they don't you should ask why they are arresting you. Remember, you don't have to tell the police anything except your name and address. Even if you think the police have no right to arrest you go with them quietly. If you swear or carry on you will only get more charges. Once you get to the police station you should ask for a lawyer. It is best not to say anything until you have got legal advice.

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If the police arrest you it is best to keep calm and go with them quietly. Being angry or rude may get you into more trouble.

When can I be arrested?

The police can arrest you at any time if they believe you:

- Have broken the law; or
- Are about to break the law; or
- Are in the process of breaking the law.

The police can also pick you up if you are drunk in a public place e.g. at the shop, in the park or walking down the road. This is not an offence so you won't be charged and you won't have to go to court. If the police pick you up for being drunk you can be held in a cell or a sobering-up shelter. This is called "protective custody" and is for your own protection. If you don't think you are too drunk to look after yourself you should say so or ask the police to take you home. If they refuse to let you go or take you home, you can see a lawyer about it when you get out.

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Police can't take you anywhere unless they arrest you or you agree to go with them, or if you are very drunk and they are taking you to protective custody.

Police may ask you to come to the station without arresting you but it is your choice whether you go.

●●● James gets nabbed and the boys break in

Andy and some friends were at a party one night. They were sitting in the back yard when two police officers came up to them.

Police "Right, we want to know your names"

Andy "Why do you want to know our names?"

Police "Somebody stole a car and left it a couple of streets away"

Andy "We don't know anything about it"

Police "Doesn't matter, we still want to know your names"

Andy "Yeah OK, my name's Andy Wilson"

The police wrote Andy's name in their notebooks. Andy's friends told the police their names too but his mate, James, wouldn't tell them his name and started swearing at the police.

James "You can get stuffed, I'm not telling you my name"

Police "Look, just shut up and tell us your name or we'll take you to the police station and charge you"

James "You pigs can go to hell"

Police "OK, you wanna be a smart-arse you can come with us"

James "I don't want to go with you"

Police "Too bad, we told you that we'd take you to the station and charge you if you didn't tell us your name. Now get up and come with us or do we have to handcuff you and drag you out to the car?"

James "Nah, I'm coming"

Police "Well, hurry up"

When the party finished Andy realised that none of them had any money so they had to walk home. On the way home Andy, Glenn, Rick and Scott walked past a house and saw the people from the house leaving. When the people had left, Glenn asked Andy if he wanted to break into the house and get some money to catch a taxi home.

Glenn "Hey Andy, you wanna break into this house with us?"

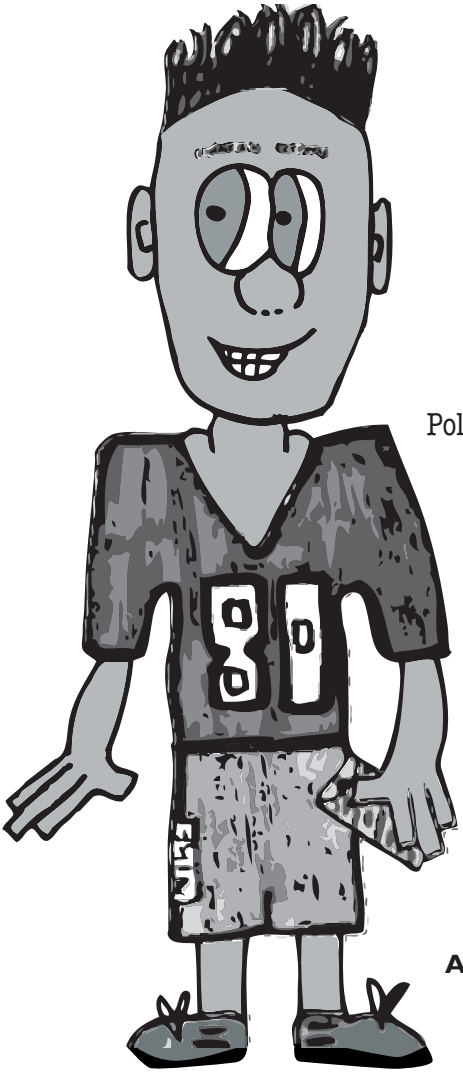
Andy "No way, I'm not getting into any trouble and my Mum would kill me if she found out"

Glenn "Well, you gonna wait for us?"

Andy "Nah, I'm going to go home"

Glenn "See ya then"

Andy "Yeah man, see ya tomorrow"



●●● Andy has a close shave and Rick gets arrested

Andy was at the mall having lunch with his sister on Monday when two police officers he hadn't seen before came over and asked him his name.

Police "What's your name?"

Andy "Andy Wilson"

Police "Are you the Andy Wilson that was at that party the other night?"

Andy "Yeah, that's me"

Police "Can you come to the station with us?"

Andy "What for?"

Police "Someone broke into a house down the road from the party at about 11.30 Friday night and we think it was you and your mates at the party"

Andy "I don't know anything about a break-in and I left my mates at the party"

Police "What time did you get home?"

Andy "At about quarter to eleven, hey Deb?"

Debbie "Yeah"

Police "Are you sure?"

Debbie "Yeah, coz he woke me up and I checked the time"

Police "Why did you check the time?"

Debbie "Mum said he had to be home by 12.00 and I just checked to see if he was on time"

Police "OK, but we still want Andy to come to the police station with us"

Andy "Do I have to?"

Police "No"

Andy "Well I don't want to"

Police "OK, but if you decide you want to tell us anything, then come and see us"

The police walked away.

Andy "Shit, I thought they were going to make me go with them"

Debbie "Nah, they can't make you go anywhere with them unless they arrest you"

Andy "True"

Debbie "Yeah"

The police asked Rick if he knew anything about the house that got broken into.

Police "We got your fingerprints from that house. You broke in didn't you?"

Rick "I'm not saying anything until I see my lawyer."

Police "Where's the stuff that you stole?"

Rick "I'm not saying anything"

Police "Well you're under arrest anyway"

Rick "Fine but I want to speak to my lawyer when we get to the station"

What happens at the police station?

Interviews!

Cop This!

Remember that anything you say to the police might be used by them. There is no such thing as "off the record". When talking to the police it is important to be polite and stay calm. Think before you speak. Remember you don't have to say anything except your name and address.

When you get arrested the police will take you to the police station. When you get to the station the police will usually want to interview you first. Most interviews will be recorded on DVD. These are called records of interview. Usually the interview will also be video-taped.

It is always best to speak to a lawyer before you are interviewed by the police (see page 26 for more information). Most legal services have an after-hours number you can contact if you are taken to the police station after normal working hours.

After hours numbers (for people in custody only):

- NT Legal Aid for people in Darwin: **0401 119 044**
- NT Legal Aid for people in Alice Springs and Tennant Creek: **0401 119 020**
- NT Legal Aid for people in Katherine: **0417 771 045**
- CAALAS for Aboriginal and Torres Strait Islander people in Alice Springs and Tennant Creek: **0419 849 870**
- NAAJA for Aboriginal and Torres Strait Islander people in Katherine: **0407 612 426**
- NAAJA for Aboriginal and Torres Strait Islander people around the Top End: **0410 633 261**

What if I'm under 18?

If you are under 18 the police can't normally interview you without an adult present. If the offence is punishable by less than 12 months, or is a minor traffic matter, they can interview you on your own. You get to choose which adult you want to sit with you in the interview, not police. You have the right to choose which person you want to sit in the interview. This adult can be a friend, relative, youth worker, welfare officer or lawyer. You must have an adult with you but you may also have a person under 18 with you provided they were not also involved in the offence. If the police can't find the person you asked for or the person can't come, the police can contact someone on the List of Appropriate Persons. You can ask police to let you speak to your support person in private before you decide whether or not to answer their questions.

Some examples of offences that are punishable by more than 12 months are stealing, assault and unlawful entry.

●●● Rick gets interviewed

When Rick arrived at the police station with the police he was taken into a room with a tape recorder on the desk.

Police "How old are you Rick?"

Rick "Fourteen"

Police "OK, now Rick because you are only fourteen and we are investigating a crime we have to get an adult to sit with you during the interview, who would you like to come?"

Rick "My Mum"

Police "Where is she?"

Rick "At work"

Police "Give me her number and I'll go and phone her"

The police officer came back a short time later.

Police "Rick, we rang your Mum and she can't come. If there is no-one else you want to come, we can get someone from the List of Appropriate People. Do you want someone else or do you want us to get someone from the list for you?"

Rick "I don't know anyone else, so someone from the list please"

A bit later the officer came back with a woman and turned the tape on.

Police "Rick, because your mother couldn't come here today, we have Miss Greene here to help you during the interview, is that OK with you?

Rick "Yeah"

Police "Miss Greene, do you have any problems being here?"

Miss Greene "No"

Police "Right, let's get started. Now Rick, do you understand that you don't have to say anything if you don't want to"

Rick "Yes"

Police "Do you have to talk to me about anything?"

Rick "No"

Police "Are you happy to talk to me?"

Rick "Yeah, but I would like to talk to a lawyer first"

Police "All right, we'll just take a break so you can do that"

What if I don't want to answer their questions?

At the start of the interview the police will tell you that you don't have to answer any questions they ask you and that you don't have to tell them anything. The only things you have to tell them are your name, address and date of birth. At the end of the interview the police have to give you a copy of the tape whether you said anything or not.

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If you can't speak or understand English very well you can ask for an interpreter to be present in the police interview.
See page 26.

If you tell the police that you don't want to talk to them they will more than likely try to pressure you into telling them things. They'll sometimes say things like "your mate told us you did it" and "you might as well own up because we've got your fingerprints" or "you won't get bail until you talk to us". These things might not be true. If you don't want to talk to the police, don't let these things change your mind. Also, don't deny anything unless you are sure you didn't do anything. The best thing to say is "no comment" or "I'm not going to say anything". This way you are not lying to the police and you are not admitting to anything either. If you lie to the police, then you go to court and if they find you guilty, the Magistrate or Judge won't like the fact that you lied to the police and may give you a harsher sentence.

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Try to be consistent with answering questions in a police interview. If you decide you don't want to answer questions stick with it. Don't answer some and not others. You don't have to provide any information other than your name and address. If you don't want to tell the police any more than that you are best to politely say "no comment".

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The police cannot refuse you bail just because you do not do an interview.

●●● Glenn knows his rights

Glen was at home when the police came and told him that they wanted to speak to him.

Police "Are you Glenn Smith"

Glenn "Yeah, that's me"

Police "We want you to come to the station with us so we can speak to you about an unlawful entry"

Glenn "I'm not going anywhere with you cops"

Police "Well, Glenn, we are arresting you so you have to come with us whether you like it or not"

Glenn "Yeah if you say so"

Police "How old are you?"

Glenn "Sixteen"

Police "Is your Mum home?"

Glenn "Yeah, why?"

Police "We want her to come and sit with you during the interview"

Glenn "Hang on, I'll go get her"

G's Mum "Why do you want me to come?"

Police "We want to interview Glenn and we have to get an adult to come to the police station because he is only sixteen"

At the start of the interview the police told Glenn that he didn't have to tell them anything if he didn't want to, but that anything he did say could be used against him.

Police "Glenn, can you tell us your full name?"

Glenn "Glenn Smith"

Police "OK Glenn, you don't have to tell us anything if you don't want to, do you understand that?"

Glenn "Yeah"

Police "Do you have to talk to me about anything?"

Glenn "No"

Police "Are you happy to talk to me"

Glenn "No"

Police 'Can you tell us anything about a break-in that happened on Friday night?"

Glenn "I don't want to say anything"

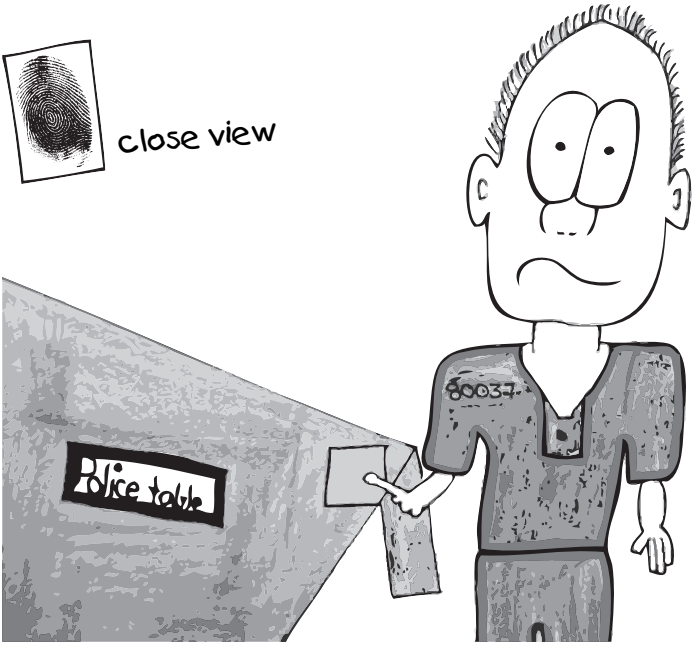
Police "Did you break into the house?"

Glenn "I don't want to answer any of your questions"

Police OK, we'll end the interview now then"

After the interview the police gave Glenn a copy of the interview tape to give to his lawyer and charged him with breaking and entering. They gave him bail to go home to his Mum.

If the police charge you with an offence, you will be finger printed.



What happens after the interview?

Do I have to get my fingerprints, photograph or samples taken?

Before police can take your fingerprints, photographs or DNA they need your permission (and the permission of your responsible adult) OR they can get approval from either a magistrate or a senior police officer. A magistrate or senior police officer can only give approval for people who are 14 years of age or older. You should tell police that you want them to get approval from a magistrate or senior police officer. If they get approval you should co-operate. Your fingerprints and photographs will be kept on file at the police station to identify you if you get arrested again or if the police ever look for you. The police will also fill out an ID card with stuff like your name, date of birth, address, height, hair colour etc and any distinguishing marks like tattoos, scars and birthmarks.

Can the police search me at the police station?

At the police station the police will search you to see if you have any drugs or weapons on you but also to see if you have any evidence connected to your crime or any other crime. The police will also take any property that you have, whether it's yours or not. This means that the police will take your jewellery, cigarettes and shoes. They will also take your belt and any drawstrings you have in your shirts or pants so that you can't hurt yourself. You can only be searched by a police officer of the same sex. So, if you're a girl only a woman police officer may search you unless there are exceptional circumstances. Normally police must not search you unless there is a support person present.

How long will they keep me at the station?

The length of time the police will keep you varies. The police should only keep you in custody for a reasonable amount of time. Usually they will only hold you long enough to fingerprint, interview and photograph you.

You will be fingerprinted and photographed if you are charged with an offence. This usually takes about 1 – 2 hours.

If the police need to investigate the crime more, they can hold you longer. If it will take a day or more to investigate, you will either be released on bail or kept in custody.

●●● Rick gets charged

Police "OK Rick, we're going to charge you with breaking into the house, so come with me so we can get the paperwork done"

Rick and the police officer go downstairs to see the Sergeant.

Police "Sergeant, we need a charge sheet done for this boy"

Police "Rick Johnson"

Sergeant "Search him and do a property sheet first, then fingerprint and charge him while I get the charge sheet done"

Police "OK, follow me Rick"

Police "OK, Rick, I'm just going to search you and put your property in a bag"

Rick "Yeah, OK, do I get my stuff back?"

Police "Yes"

The police officer searches Rick and takes his watch and shoes and puts them into a bag.

Police "Rick, come here and sign this"

Rick "What is it?"

Police "It's a list of your property"

Rick signs the paper.

Police "Now you get your fingerprints done, come on"

The police officer puts Rick's fingers on the fingerprint scanner and scans his fingerprints.

Police "Come on, photo time"

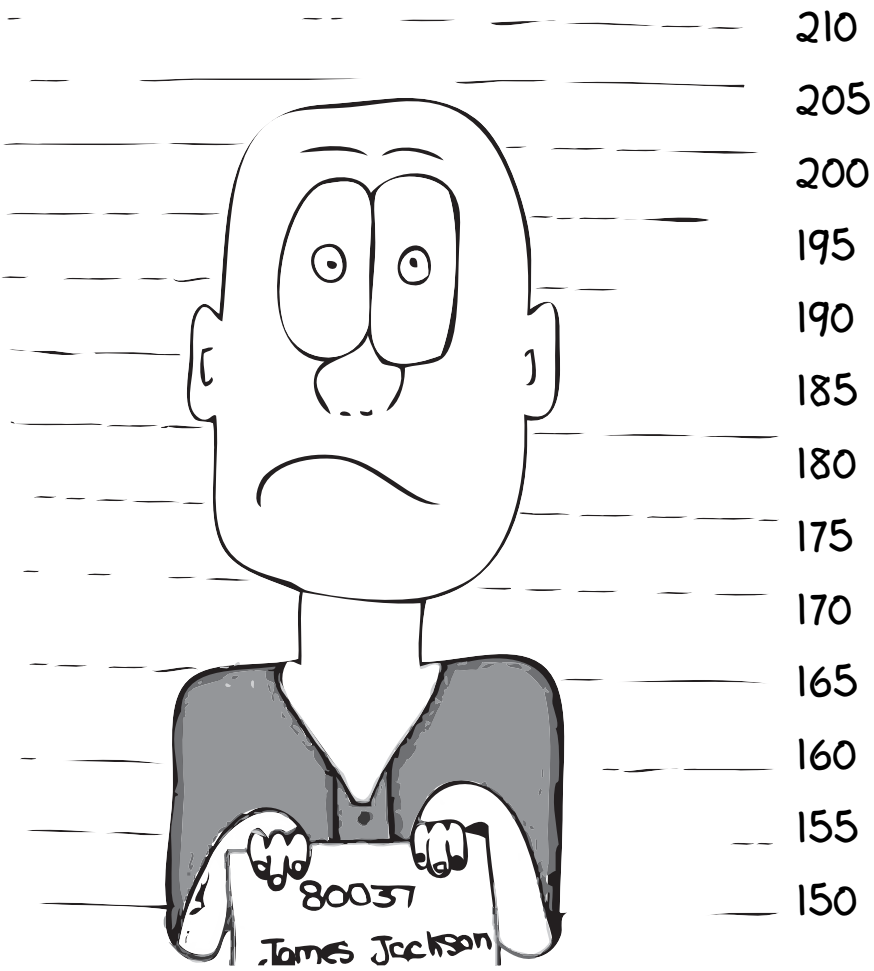
Rick goes with the police officer into another room.

Police "Stand up over there against the wall and hold this board under your chin"

Rick "What's the board for?"

Police "It's just got your name and stuff on it so we'll know who it is in the photo"

The police officer takes some photos of Rick and then takes him back to the Sergeant.



Sergeant "Come here Rick, we need you to sign this. Now Rick you have been charged with breaking and entering. Do you have anything to say?"

Rick "Can I have bail?"

Sergeant "Not yet. Wait until we find Scott and talk to him. Constable you can put him in a cell now."

What if I don't want to stay at the police station?

The police can release you 'on bail' after you have been charged.

To get bail is to promise that you will go home and not get into any more trouble and that you will go to court on the day that they tell you to.

If you want bail and the police decide to give it to you, you will have to sign the bail papers and agree to any conditions that the police attach to your bail. If you are under 18 and you get bail, the police have to take you home to your parents or wherever they give you bail to stay. The police can't let you find your own way home, even if you want to.

You will have to go to court on the day stated on your bail form. If you don't go to court on the day you promised you would, you will be arrested and you may not get bail again.

If your bail conditions are really restrictive or you think they are too harsh you should go and talk to a lawyer as soon as possible. A lawyer may be able to help get your bail conditions changed.

What if they won't give me bail?

If the police refuse bail you can ask the police to call a Magistrate and ask the Magistrate if you can have bail. You can request a lawyer be present for a phone application to a Magistrate. If the Magistrate refuses you bail you will be remanded in detention. This means that you will get sent to a detention centre until your court date if you are under 18, or to jail if you are 18 or older.

Do I have to sign anything?

If you are arrested you don't have to sign anything except:

- **Your property sheet** – this is so the police don't lose any of your stuff and don't mix your stuff up with someone else's. This only happens if you are put in the cells.
- **Bail papers** – this is so you get bail and shows that you agree with the bail conditions.
- **Written statements** –if you voluntarily given a written statement (you do not have to do this – see page 7), read it first and if you agree with everything that the police have written, sign it. If you don't agree with something the police have written get them to change it before you sign it.
- **Record of interview stickers** – these stickers are used to seal the tapes after the interview so they can't be tampered with or taped over.

●●● Rick gets bail, Scott doesn't

An hour after Rick was put in the cells the police came back with Scott.

Police "Rick, we'll let you out on bail which means that we're going to let you go home if you promise to go to court the day after tomorrow"

Rick "That sounds all right"

Police "Come with us and sign the bail papers"

Police "Now Rick, you have to make sure you go to court and don't get into any more trouble between now and then. If you don't go to court you'll be arrested and we won't give you bail again so don't stuff it up"

Rick "Yeah, OK"

Police "You also have to stay at your Mum's and be home by 7.30pm every night and stay at home 'til morning. This is called a curfew. If you go out after 7.30pm you will be arrested. Can you follow these directions?

Rick "Yes"

Police "OK, these are your bail papers. Just sign them and we'll get someone to drop you off at home"

Rick "I'm OK, I'll catch a taxi home"

Police "No you can't, one of us has to drop you off at home because you are only fourteen"

After Scott was interviewed he asked if he could have bail.

Scott "Can I have bail?"

Police "No because you didn't go to court last time when you were charged for stealing that bike"

Scott "But I forgot"

Police "Well we don't want to give you bail, but you can ask the Magistrate if you want"

The police officer rings the Magistrate.

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If the police give you bail you must go to court on the day you are supposed to. If you don't you will be arrested and may not get bail again.

Police "Scott, come here, the Magistrate wants to talk to you"

Magistrate "Hello Scott, I'm the Magistrate. The police tell me that you want bail"

Scott "Yeah"

Magistrate "The police told me that they don't want you to get bail because you didn't go to court the last time. What do you think of that?"

Scott "I don't know, I just want to go home"

Magistrate "Well Scott, I agree with the police and I'm not going to give you bail either"

Scott "What's going to happen now"

Magistrate The police are going to take you to a Detention Centre and you will go to court in the morning"

Can the police search My house and car?

Can the police search my house and car?

Police usually need a search warrant from a Magistrate to search your house or car. A search warrant is a piece of paper from a Magistrate that says that the police can enter your house or car and take what they are looking for and anything else that is illegal or connected to another offence.

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The police can search you if they think you are carrying something illegal, such as drugs or a weapon. If they find something illegal they will seize it from you.

To get a search warrant the police have to prove to the Magistrate that they have a good reason to want to search your house or car. If you don't let the police in they can use reasonable force to enter your house or car. That means that they can break in if you don't let them in.

What about personal searches away from the police station?

Police can search you on the street if they think that you have any drugs and weapons. The police officer should be the same sex as you unless there are exceptional circumstances.

Can they do a search without a warrant?

The police can search you, your house or your car without a warrant if they think that you will get rid of any evidence that can help them solve a crime or in serious and urgent situations.

●●● Glenn's house gets searched

After Rick had told the police that Glenn had also broken into the house with him and that Glenn had the TV, the police went to Glenn's house to look for the TV. His Mum was the only person at home.

The police showed Glenn's Mum the search warrant but his Mum didn't want to let the police into the house.

Police "Is Glenn Smith here?"

Mum "No"

Police "Where is he?"

Mum "I don't know"

Police "Well, can you give him this card and get him to come in and see us"

Mum "Is that all?"

Police "No, we have a warrant to search this house for a TV that has been stolen"

Mum "You're not coming into my house and searching it"

Police "If you don't let us in we can force our way into your house and if we have to we will break in and that would be just a waste of time, so you might as well let us in"

Mum "I told you that you are not coming into my house"

Police "Sorry, but this warrant says we can come into your house and you can't refuse to let us in"

Mum "Says who?"

Police "The Magistrate"

Mum "The Magistrate?"

Police "Yes. Its written on the warrant, you can check it if you like"

Glenn's Mum reads the warrant.

Mum "Yeah, OK, come in"

The police search the house and find a TV and a bong and take them.

Mum "Why are you taking the bong? You never said anything about a bong?"

Police "No I didn't, but whoever owns this has been smoking dope with it and that's against the law so we can take it"

So the police take the TV and the bong.

What if you don't understand English?

If you don't understand English properly you have the right to get an interpreter to translate for you during the interview. Ask the police to get one if you need it, or ask your lawyer to organise one for you. Everybody that has trouble understanding English is allowed to have an interpreter whether they are an adult or a juvenile.

●●● Jenny gets an interpreter

Jenny was drunk and walking down the street when some police came along and apprended her.

At the police station the police searched Jenny and took her stuff off her. One of the officers noticed that Jenny had a watch with someone else's name engraved on the back. The police officer asked Jenny where she got the watch from but she wouldn't tell them so they put her in the cells.

While Jenny was in the cells the police checked to see if the watch was stolen and found out it was. The watch had been stolen from the house that Glenn and Rick had broken into.

When Jenny had sobered up the police wanted to interview her.

Police "What's your name?"

Jenny "Jenny"

Police "What's your surname?"

Jenny "What surname?"

Police "Your surname"

Jenny 'What's that?"

Police "Your last name"

Jenny "Oh, my name Jenny Johnson"

Police "What's your date of birth?"

Jenny "What that?"

Police "When were you born?"

Jenny "I don't know"

Police "How old are you?"

Jenny "Fifteen"

Police "You look a bit old to be fifteen"

Jenny "Maybe I'm twenty"

Police "So you are twenty?"

Jenny "I don't know"

The police decided that Jenny didn't understand English and needed an interpreter.

Police "Jenny, we want to talk to you about the watch but we've got to get an interpreter to come help you talk to us"

Jenny "Yeah"

Police What language do you speak?

Jenny Gurindji

Police Ok Jenny. We are going to keep you here until we can organise for the Aboriginal Interpreter Service to come and interpret for you.

When the interpreter arrived at the police station she was taken to the interview room to interpret for Jenny. The police then turned on the tape to start the interview.

Police "We have Miss Rosina Johnson here today to act as an interpreter for Jenny. Rosina, we have brought you here today to interpret for Jenny during the interview, because we believe she doesn't understand the English language very well. Will you please introduce yourself and explain to Jenny why you are here.

The interpreter introduces herself to Jenny in her own language, Gurindji.

Police "Okay Jenny, do you agree that we arrested you at the tavern last night?" Rosina, could you please translate for Jenny what I just said"

Rosina asks Jenny the question in Gurindji. Jenny tells the interpreter that the police picked her up from the pub because she was drunk. Rosina tells Jenny's answer to the police. The police continue to ask Jenny questions through the interpreter until they finish getting the information they want.

Police "OK, that's all we wanted to know so let's finish this interview"

Should I ask to see a lawyer?

If you are arrested always ask to get legal advice before you answer any questions. A lawyer will be able to advise you on the best way of dealing with the situation you are in and what is likely to happen to you. If a lawyer can't come out to the police station, ask to ring one. Most legal aid services have an after hours mobile phone number you can ring to speak to a lawyer. If you see your lawyer at the police station or phone your lawyer from the police station, you are allowed to speak to your lawyer in private without any police officers in the room. If you are bailed to appear in court the next day, you will be able to see your lawyer in court. When you get charged with an offence go and see a lawyer as soon as you can so you get advice on what will happen next.

●●● Scott speaks to a lawyer

When the police arrested Scott he asked to speak to a lawyer.

Scott "Can I speak to a lawyer?"

Police "Yes, who do you want us to call?"

Scott "Can you ring that legal aid mob?"

The police officer takes Scott in to ring Legal Aid.

Lawyer "Hello"

Police "Hi, this is Constable John Citizen from the police station. We have a Scott Johnson here who would like to speak to a lawyer. Can you come to the police station and see him?"

Lawyer "I'm a bit busy today so I won't be able to come out, but I can speak to Scott now"

The police officer gives Scott the phone.

Lawyer "Scott, look I'm sorry but I can't come to the station. What have you been arrested for?"

Scott "Breaking into a house"

Lawyer "Is there a police officer in the room with you?"

Scott "Yeah"

Lawyer "Can I speak to him or her?"

Scott "Yeah, here"

Police "Yes"

Lawyer "Could you please leave the room"

Police "No"

Lawyer "I'm sorry but Scott has the right to speak to a lawyer in private"

Police "Is that right?"

Lawyer "Yes, now could you please leave the room?"

Police "OK"

Scott "You still there?"

Lawyer "Yes, has the police officer left the room?"

Scott "Yeah"

Lawyer "OK Scott, you don't have to say anything to the police if you don't want to and come and see me when they let you out"

Scott "But they said the other boys have already dobbed me in"

Lawyer "That doesn't matter. Now do you want to speak to the police?"

Scott "No, I'm scared"

Lawyer "OK, get the police officer to come to the phone and I'll tell him that you don't want to talk to him. You tell him the same thing."

It is important to note that the police will still conduct an electronic record of interview even though you have said you will not answer any questions. The electronic record of interview is a record that you have decided not to answer the police questions.

What if I want to complain about what the police did or said?

If you think the police did or said something wrong to you or someone else, you can make a complaint. When complaints against the police are made, a person called the Ombudsman will investigate the complaints. The investigating officer will want a statement of what happened from you. The Ombudsman usually gets senior police to take statements from the police officers involved and any witnesses. The Ombudsman will then read the statements and any other evidence that the senior police collect and then decide whether or not the police officers have done something wrong. The Ombudsman will then recommend what should happen to the police officers against whom the complaint was made. It can take several months before the complaint is fully investigated.

Where do I make a complaint?

You can make any complaints against police by speaking directly to the Ombudsman, a senior police officer or your lawyer. Even though you do not need a lawyer to make a complaint, it is often best to ask your lawyer to help you.

●●● James makes a complaint

When the police took James from the party they bashed him up before putting him in the car.

When the police took James to the station they charged him with not telling them his name and address and then gave him bail to go home. When James went to see his lawyer about going to court he told his lawyer what the police had done to him.

James "I've come to see you about going to court next week"

Lawyer "What have you been charged with?"

James "Not giving my name and address"

Lawyer "Okay, tell me what happened"

James "Well, I was at a party with some friends on Friday night when some police rocked up and started asking everyone their names and stuff. I didn't want to tell them my name so I told them to go to hell"

Lawyer "Why did you say that?"

James "I was drunk"

Lawyer "Did they tell you why they wanted to know your name?"

James "Yeah. They said that someone stole a car and left it up the road or something"

Lawyer "What happened then?"

James "They took me to the police station and charged me"

Lawyer "OK. Is that all you've got to tell me?"

James "Um, I don't know whether it matters or not, but the police bashed me"

Lawyer "What! The police bashed you?"

James "Yeah"

Lawyer "Do you want to make a complaint?"

James "Nah. No-one will believe me"

Lawyer "I think that you should make a complaint. They can't just go around bashing people and expect to get away with it. It won't make any difference to what happens in court for your charge though"

James "Yeah, I reckon I'd better make a complaint or else they'll just go and bash more people"

Lawyer "All right, I'll contact the Ombudsman and he'll check it out"

James "Yeah, thanks a lot"

Lawyer "I'll contact you when I get a reply from the Ombudsman"

James "Cool, see ya then"

Useful contacts

Northern Territory Legal Aid Commission

Darwin Office
6th floor, 9-11 Cavenagh Street, Darwin
Telephone: 8999 3000

Palmerston Office
Shop 6, 25 Chung Wah Terrace
Palmerston
Telephone: 8999 4750

Katherine Office
20 Second Street, Katherine
Telephone: 8973 8704

Tennant Creek Office
Shop 3, 163 Paterson Street
Tennant Creek
Telephone: 8962 0100

Alice Springs Office
77 Hartley Street, Alice Springs
Telephone: 8951 5377

North Australian Aboriginal Justice Agency (NAAJA)

Darwin Office
1 Gardiner Street, Darwin
Telephone: 8982 5100

Katherine Office
32 Katherine Terrace, Katherine
Telephone: 8972 1133

Nhulunbuy Office
Franklyn Street, Nhulunbuy
Telephone: 8987 1300

Central Australian Aboriginal Legal Aid Service (CAALAS)

Alice Springs Office
55 Bath Street, Alice Springs
Telephone: 8950 9300

Darwin Community Legal Service

Cnr Manton and McMinn Streets,
Darwin
Telephone: 8982 1111

Ombudsman of the Northern Territory

12th Floor, NT House
Cnr Bennett & Mitchell Streets,
Darwin
Telephone: 8999 1818

Aboriginal Interpreter Service

RCG House
83-85 Smith Street, Darwin
Telephone: 8999 8353

Interpreting & Translating Service NT

RCG House
83-85 Smith Street
Darwin
Telephone: 8999 8506

Northern Territory
Legal Aid Commission